## UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

FAIR ISAAC CORPORATION, a	) Case No. 16-cv-1054 (WMW/DTS)
Delaware corporation,	
Plaintiff,	) ) 
v.	) Jury Trial Demanded ) )
FEDERAL INSURANCE COMPANY, an Indiana corporation and ACE AMERICAN INSURANCE COMPANY,	) ) )
a Pennsylvania corporation,	
Defendants.	) ) )

## DECLARATION OF HEATHER KLIEBENSTEIN IN OPPOSITION TO DEFENDANTS' MOTION TO AMEND THE SCHEDULING ORDER

- I, Heather Kliebenstein, declare as follows:
- 1. I am a shareholder with Merchant & Gould P.C., and I am one of the attorneys of record for Plaintiff Fair Isaac Corporation in the above captioned matter.
- 2. I make this Declaration on my own information, knowledge, and belief in opposition to Defendants' Motion to Amend the Scheduling Order.
- 3. Attached hereto as Exhibit 1 is a true and correct copy of the Software
  License and Maintenance Agreement for Blaze Advisor, Bates numbered as
  FICO0001702-1720. This document served as Exhibit 110 to the deposition of Russell
  Schreiber. (FILED UNDER SEAL)
- 4. Attached hereto as Exhibit 2 is a true and correct copy of Chubb and Son's Maintenance of Renewal Processing Rules dated April 3, 2006, Bates numbered as

FICO0057280-57304. This document served as Exhibit 143 to the deposition of Russell Schreiber.

- 5. Attached hereto as Exhibit 3 is a true and correct copy of the United States and Securities and Exchange Commission, 2014 Form 10-K for The Chubb Corporation. This document served as Exhibit 18 to the 30(b)(6) deposition of John Taylor.
- 6. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the Deposition of Tamra Pawloski taken on January 18, 2019.
- 7. Attached hereto as Exhibit 5 is a true and correct copy of a letter from Thomas Carretta to Joseph Wayland dated January 27, 2016, Bates numbered as FED000049\_0001. This document served as Exhibit 90 to the deposition of Thomas Carretta.
- 8. Attached hereto as Exhibit 6 is a true and correct copy of a letter from Andrew Hopp to Thomas Carretta dated February 17, 2016, Bates numbered as FED000050\_0001. This document served as Exhibit 91 to the deposition of Thomas Carretta.
- 9. Attached hereto as Exhibit 7 is a true and correct copy of an email between Andrew Hopp, William Harlam and Tamra Pawloski dated February 25, 2016, Bates numbered as FED009792\_0001. This document served as Exhibit 93 to the deposition of Thomas Carretta.
- 10. Attached hereto as Exhibit 8 is a true and correct copy of an email and its attachment between Tamra Pawloski and Mike Sawyer dated February 25, 2016, Bates

numbered as FED0001358-1359. This document served as Exhibit 94 to the deposition of Thomas Carretta.

- 11. Attached hereto as Exhibit 9 is a true and correct copy of an email between Tom Carretta and Andrew Hopp with Chubb and Sons 2016 License dated March 11, 2015, Bates numbered as FICO0000767-777. This document served as Exhibit 66 to the deposition of Oliver Clark.
- 12. Attached hereto as Exhibit 10 is a true and correct copy of an email from Andrew Hopp dated March 23, 2016 regarding Chubb LTD License Expansion Amendment, Bates numbered as FED009413\_0001, FED009414\_0001 and FED009415\_0001. This document served as Exhibit 100 to the deposition of Thomas Carretta. (FILED UNDER SEAL)
- 13. Attached hereto as Exhibit 11 is a true and correct copy of an email from Tamra Pawloski to Bill Waid dated March 25, 2016 regarding FICO, Bates numbered as FICO0000437-439. This document served as Exhibit 101 to the deposition of Thomas Carretta. (FILED UNDER SEAL)
- 14. Attached hereto as Exhibit 12 is a true and correct copy of redline edits to Amendment Three to Software License and Services Agreement between Fair Isaac Corporation and Chubb & Son, Bates numbered as FED004432\_0001. (FILED UNDER SEAL)
- 15. Attached hereto as Exhibit 13 is a true and correct copy of a letter to Lawrence Raynes from James Black dated February 7, 2006, Bates numbered as

FICO0006676-6679. This document served as Exhibit 144 to the 30(b)(6) deposition of Russell Schreiber.

- 16. Attached hereto as Exhibit 14 is a true and correct copy of excerpts from The Chubb Corporation 2006 Annual Report.
- 17. Attached hereto as Exhibit 15 is a true and correct copy of Addendum Number 3 to the Management Agreement between Chubb Indemnity Insurance Company and Chubb & Son, Bates numbered as FED013541\_0001. This document served as Exhibit 22 to the 30(b)(6) deposition of John Taylor. (FILED UNDER SEAL)
- 18. Attached hereto as Exhibit 16 is a true and correct copy of the Declaration of Douglas A. Nordstrom in Support of Defendant Chubb & Son Inc.'s Notice of Motion and Motion to Dismiss Plaintiff's Complaint, filed in Case No. 3:14-cv-00313, Northern District of California.
- 19. Attached hereto as Exhibit 17 is a true and correct copy of the Addendum Number 2 to the Service Agreement between Chubb & Son and Federal Insurance Co., Bates numbered as FED013547\_0001. This document served as Exhibit 19 to the 30(b)(6) deposition of John Taylor. (FILED UNDER SEAL)
- 20. Attached hereto as Exhibit 18 is a true and correct copy of Addendum to the Agreement between Texas Pacific Indemnity Company and Chubb & Son, Bates numbered as FED013548\_0001. This document served as Exhibit 20 to the 30(b)(6) deposition of John Taylor. (FILED UNDER SEAL)
- 21. Attached hereto as Exhibit 19 is a true and correct copy of Addendum

  Number 3 to the Management Agreement between Chubb & Son and Federal Insurance

- Co., Bates numbered as FED013549\_0001. This document served as Exhibit 21 to the 30(b)(6) deposition of John Taylor. (FILED UNDER SEAL)
- 22. Attached hereto as Exhibit 20 is a true and correct copy of the Addendum to the Management Agreement between Chubb National Insurance Company and Chubb & Son, Bates numbered as FED013542\_0001. This document served as Exhibit 23 to the 30(b)(6) deposition of John Taylor. (FILED UNDER SEAL)
- 23. Attached hereto as Exhibit 21 is a true and correct copy of Addendum Number 4 to the Management Agreement between Executive Risk Specialty Insurance Company and Chubb & Son, Bates numbered as FED013545\_0001. This document served as Exhibit 24 to the 30(b)(6) deposition of John Taylor. (FILED UNDER SEAL)
- 24. Attached hereto as Exhibit 22 is a true and correct copy of Addendum Number 3 to the Management Agreement between Executive Risk Indemnity Inc. and Chubb & Son, Bates numbered as FED013544\_0001. This document served as Exhibit 25 to the 30(b)(6) deposition of John Taylor. (FILED UNDER SEAL)
- 25. Attached hereto as Exhibit 23 is a true and correct copy of the Addendum to the Management Agreement between Great Northern Insurance Company and Chubb & Son, Bates numbered as FED013546\_0001. This document served as Exhibit 26 to the 30(b)(6) deposition of John Taylor. (FILED UNDER SEAL)
- 26. Attached hereto as Exhibit 24 is a true and correct copy of Plaintiff Fair Isaac Corporation's Second Supplemental Answers to Defendant's Interrogatory No. 6. (FILED UNDER SEAL)

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27. Attached hereto as Exhibit 25 is a true and correct copy of an email string

between Allen Hinderaker and Leah Janus dated January 20, 2019.

I declare under the penalty of perjury of the laws of the United States that the

foregoing is true and correct.

Dated: May 8, 2020 /s/ Heather Kliebenstein

Heather Kliebenstein